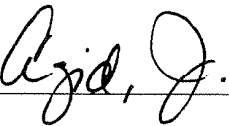


Rivas v. Eastside Radiology Associates, No. 55648-7-I

Agid, J. (concurring) -- While I agree with the majority opinion, I write separately to emphasize the guardianship statute's requirement that incapacity be "based upon a demonstration of management insufficiencies *over time* in the area of person or estate."<sup>1</sup> As the majority explains, the legislature clearly drafted the guardianship statute to avoid a rush to judgment that would unfairly or inappropriately deprive a ward of her liberty. In furtherance of that objective, it not only created the lengthy process the majority describes at pages 8-9, it also incorporated as a substantive standard the requirement that one seeking a guardianship establish a pattern of incapacity "over time." In my view, a four-day coma such as the one we have assumed Ms. Rivas suffered in this case, cannot as a matter of law suffice to meet that substantive standard. I therefore agree that the trial court should have granted Muraki's motion for summary judgment.



A handwritten signature, "Agid, J.", is written in black ink above a horizontal line.

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<sup>1</sup> RCW 11.88.010(1)(c) (emphasis added).